

04-22-1999

RECORDATION FORM COVER SHEET

Docket No.:



TRADEMARKS ONLY

014951/0142

101017543

Documents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

DYNAX RESOURCES, INC.
192 LEXINGTON AVENUE
NEW YORK, NEW YORK 10016

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation-State NEW YORK
☐ Other _____

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: ABLECO FINANCE LLC

Internal Address: _____

Street Address: 450 PARK AVENUECity: NEW YORK State: NY ZIP: 10022

- ☐ Individual(s) citizenship _____
☐ Association _____
☐ General Partnership _____
☐ Limited Partnership _____
☐ Corporation-State _____
☒ Other DELAWARE LIMITED LIABILITY CO.

If assignee is not domiciled in the United States, a domestic designation is ☐ Yes ☒ No

(Designations must be a separate document from

Additional name(s) & address(es)

☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☒ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 03241999

4. Application number(s) or registration numbers(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,789,741

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: JOSHUA R. BRESSLER, ESQ.Internal Address: SCHULTE ROTH & ZABEL LLPStreet Address: 900 THIRD AVENUECity: NEW YORK State: NY ZIP: 10022

6. Total number of applications and registrations involved:.....

1

7. Total fee (37 CFR 3.41):.....\$ \$40.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number:

SCHULTE ROTH & ZABEL LLP 500675

DO NOT USE THIS SPACE

04/21/1999 DNGUYEN 00000350 500675 1789741

01 FC:481 40.00 CH

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

JOSHUA R. BRESSLER

Name of Person Signing

Signature

APRIL 15, 1999

Date

Total number of pages including cover sheet, attachments, and

5

TRADEMARK

REEL: 1886 FRAME: 0696

ASSIGNMENT FOR SECURITY

(TRADEMARKS)

WHEREAS, DYNAX RESOURCES, INC. (the "Assignor") has adopted, used and is using, and holds all right, title and interest in and to, the service mark listed on the annexed Schedule 1A, for which United States registration is subsisting, as indicated on Schedule 1A (such mark and registration, collectively, the "Trademark");

WHEREAS, the Assignor has entered into a Security Agreement dated March 24, 1999 (the "Security Agreement") in favor of Ableco Finance LLC, a Delaware limited liability company (as a lender and as agent for itself and for its assignees, collectively, the "Assignee");

WHEREAS, pursuant to the Security Agreement, the Assignor has assigned to the Assignee and granted to the Assignee a security interest in all right, title and interest of the Assignor in, to and under the Trademarks together with the good-will of the business symbolized by the Trademarks and all proceeds thereof, including, without limitation, any and all causes of action that may exist by reason of infringement thereof and any and all damages arising from past, present and future violations thereof (the "Collateral"), to secure the payment, performance and observance of the Obligations (as defined in the Security Agreement);

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor does hereby convey, sell, assign, transfer and set over unto the Assignee and grants to the Assignee a security interest in the Collateral to secure the prompt payment, performance and observance of the Obligations.

The Assignor does hereby further acknowledge and affirm that the rights and remedies of the Assignee with respect to the Collateral are more fully set forth in the Security Agreement, the terms and provisions of which are hereby incorporated herein by reference as if fully set forth herein.

IN WITNESS WHEREOF, the Assignor has caused this Assignment to be duly executed by its officer thereunto duly authorized as of March 24, 1999.

DYNAX RESOURCES, INC.

By: 

Name: Jerold Weinger
Title: Chairman

STATE OF NEW YORK

SS.:

COUNTY OF NEW YORK

On this 19th day of March, 1999, before me personally came Jerald Weinger, to me known to be the person who executed the foregoing instrument, and who, being duly sworn by me, did depose and say that he is the Chairman of Dynax Resources, Inc., a New York corporation, and that he executed the foregoing instrument in the firm name of Dynax Resources, Inc., and that he had authority to sign the same, and he acknowledged to me that he executed the same as the act and deed of said firm for the uses and purposes therein mentioned.



MARK D. WATTERSON
Notary Public, State of New York
No. ~~84-4884188~~ *01044894192*
Qualified in New York County
Commission Expires May 26, ~~1999~~
2001

SCHEDULE 1A TO ASSIGNMENT FOR SECURITY

(TRADEMARKS)

Service Marks, Service Mark Registrations and Service Mark Applications
Owned by Dynax Resources, Inc.

SERVICE MARK

U.S. REG. NO.

DYNAX

1,789,741